IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1521 OF 2005

Dnyandeo Appa Ithape ... Applicant

versus

State of Maharashtra ... Respondent

...

Ms.Pratibha Ghorpade, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

11th April 2005

P.C.:

. Heard Counsel for the parties. The offence in question is a serious one. Counsel for the Applicant, however, submits that investigation is complete and chargesheet is filed. Moreover, accused No.2 has already been released on bail. The allegation regarding demand is directed against accused No.2 and not the Applicant. It is then contended that the

prosecution theory of illicit relationship between the Applicant and accused No.2 is far-fetched and unacceptable. On the above arguments, learned Counsel submits that the Applicant be released on bail, if necessary by imposing strict conditions.

. However, in my opinion, this is not a fit case for bail. There is material on record to indicate complicity of the Applicant. Indeed, there is no direct evidence, but the prosecution theory of illicit relationship between Dnyandeo and Sunanda is spelt out from the record and that will have to be accepted as it is at this stage. If it is so, the prosecution is alleging that as motive for the death of Pushpa. Besides, there is evidence to indicate that the Applicant made demand of Rs.50,000/- to deceased, who, in turn, requested her father to fulfil that demand, which, however, was not possible. Taking overall view of the matter, as there is evidence regarding motive and demand, coupled with ill-treatment of the deceased, not a case for bail. The fact that bail has been granted to accused Nos.2 and 3 can be no basis to release

the Applicant on bail against whom there is material to indicate his complicity in the commission of the offence. Applicant cannot claim parity with accused Nos.2 and 3. Hence, rejected.

. As prayer for bail is rejected, the trial Court is directed to expedite the hearing of the trial and preferably to dispose of the same by the end of December 2005 as High Court Expedited Case. In case the trial Court is of the opinion that the Applicant is responsible for delay in disposal of the trial, that opinion be recorded in the roznama, which can be considered as and when occasion arises.

(A.M.KHANWILKAR,J.)